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ROBERT HUNTER BIDEN

16 UNITED STATES DISTRICT COURT  
17 CENTRAL DISTRICT OF CALIFORNIA  
18 WESTERN DIVISION

19 ROBERT HUNTER BIDEN, an  
20 individual,

21 Plaintiff,

22 vs.

23 PATRICK M. BYRNE, an individual,  
24 Defendant.

Case No. 2:23-cv-09430-SVW-PD

**PLAINTIFF ROBERT HUNTER  
BIDEN'S RESPONSE TO THE  
SUPPLEMENTAL DECLARATION  
OF MICHAEL C. MURPHY, ESQ.  
IN SUPPORT OF DEFENDANT'S  
MOTION IN LIMINE NO. 7 TO  
PRECLUDE WITNESSES AND  
EVIDENCE NOT DISCLOSED  
PURSUANT TO RULE 26(F)**

25 Date: November 25, 2024  
26 Time: 3:00 P.M.  
Place: Ctrm. 10A

27 Judge: Hon. Stephen V. Wilson

28 5794077.1

**PLAINTIFF ROBERT HUNTER BIDEN'S RESPONSE TO THE SUPPLEMENTAL DECLARATION OF  
MICHAEL C. MURPHY, ESQ. IN SUPPORT OF DEFENDANT'S MOTION IN LIMINE NO. 7**



EARLY  
SULLIVAN  
WRIGHT  
GIZER &  
McRAE LLP  
ATTORNEYS AT LAW

**PLAINTIFF'S RESPONSE**

On November 19, 2024, Defendant Patrick M. Byrne's ("Defendant") counsel of record, Michael Murphy, filed a supplemental declaration in support of Defendant's Motion in Limine No. 7 to Preclude Witnesses and Evidence Not Disclosed Pursuant to Rule 26(f). (Declaration of Zachary C. Hansen ("Hansen Decl."), at ¶2.) In this supplemental declaration, Defendant claims Plaintiff served a supplemental document production, identified as Bates Nos. RHB00869-RHB01412, on November 18, 2024, which he claims was past the discovery cut-off. (*Id.* at ¶3.) However, Defendant is incorrect because, although the District Court did not set a discovery cut-off, based on the District Court's standing order the discovery cut-off in this case is by default November 19, 2024 (i.e., three weeks before the date set for trial). (*Id.*) As such, any documents produced before or on November 19, 2024, are timely. Defendant's counsel also represented that he would be filing another supplemental declaration in support of Defendant's Motion in Limine No. 7 regarding Plaintiff's production of the documents Plaintiff obtained from Capitol Times Media LLC in response to Plaintiff's third-party subpoena for the production of business records, on November 19, 2024, identified as Bates Nos. RHB01413-RHB01416. (Hansen Decl., at ¶4.) However, Defendant never filed any such supplemental declaration. (*Id.*)

Moreover, each of the documents in Plaintiff's recent supplemental document production were equally available to Defendant as they all fall into the following categories of documents: publicly accessible articles about Defendant, filings in various lawsuits in which Defendant was/is a party, social media postings about Defendant, publicly available documents relating to The America project, an entity founded by Defendant, documents obtained on November 19, 2024 from Capitol Times Media LLC in response to Plaintiff's third-party subpoena for the production of business records, and Defendant's own testimony before the U.S. House of Representatives Select Committee on the January 6<sup>th</sup> Attack on the U.S. Capitol.

1 (Hansen Decl., at ¶5.) Therefore, Defendant has suffered no prejudice whatsoever by  
2 Plaintiff's timely document production in this regard.

3 Further, Defendant's argument that he has not had the opportunity to depose  
4 Plaintiff about these documents is without merit. As explained above, all documents  
5 produced are about Defendant and are either publicly available, or were obtained from  
6 a third-party subpoena on the date of production to Defendant, and none of them have  
7 anything to do with Plaintiff, who has no personal knowledge of them. So, there is  
8 no reason Defendant would need to depose Plaintiff on these timely produced  
9 documents.

10 Accordingly, Plaintiff respectfully requests that the Court disregard  
11 Defendant's supplemental declaration in support of his Motion in Limine No. 7, as  
12 being without merit.

13  
14 Dated: November 21, 2024

EARLY SULLIVAN WRIGHT  
GIZER & MCRAE LLP

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16 By: /s/ Zachary C. Hansen

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*Attorney for Plaintiff*  
*Robert Hunter Biden*

**DECLARATION OF ZACHARY HANSEN**

I, Zachary C. Hansen, declare and state as follows:

1. I am counsel of record for Plaintiff Robert Hunter Biden (“Plaintiff”) in the above-entitled action and am over the age of 18. I hereby submit this declaration in support of Plaintiff’s Response to the Supplemental Declaration of Michael C. Murphy, Esq. In Support of Defendant’s Motion In Limine No. 7 To Preclude Witnesses And Evidence Not Disclosed. If called as a witness, I would and could testify to the matters contained herein.

2. On November 19, 2024, Defendant Patrick M. Byrne’s (“Defendant”) counsel of record, Michael Murphy, filed a supplemental declaration in support of Defendant’s Motion in Limine No. 7 to Preclude Witnesses and Evidence Not Disclosed Pursuant to Rule 26(f).

3. In that supplemental declaration, Defendant claims Plaintiff served a supplemental document production, identified as Bates Nos. RHB00869-RHB01412, on November 18, 2024, which he claims was past the discovery cut-off. However, Defendant is incorrect because, although the District Court did not set a discovery cut-off, based on the District Court’s standing order the discovery cut-off in this case is by default November 19, 2024 (i.e., three weeks before the date set for trial).

4. Defendant’s counsel also represented that he would be filing another supplemental declaration in support of Defendant’s Motion in Limine No. 7 regarding Plaintiff’s production of the documents Plaintiff obtained from Capitol Times Media LLC in response to Plaintiff’s third-party subpoena for the production of business records, on November 19, 2024, identified as Bates Nos. RHB01413-RHB01416. However, Defendant never filed any such supplemental declaration.

5. Moreover, each of the documents in Plaintiff’s recent supplemental document production were equally available to Defendant as they all fall into the following categories of documents: publicly accessible articles about Defendant, filings in various lawsuits in which Defendant was/is a party, social media postings

1 about Defendant, publicly available documents relating to The America project, an  
2 entity founded by Defendant, documents obtained on November 19, 2024 from  
3 Capitol Times Media LLC in response to Plaintiff's third-party subpoena for the  
4 production of business records, and Defendant's own testimony before the U.S. House  
5 of Representatives Select Committee on the January 6<sup>th</sup> Attack on the U.S. Capitol.

6 I declare under penalty of perjury under the laws of the United States of  
7 America that the foregoing is true and correct. Executed on this 21<sup>st</sup> day of November,  
8 2024, at Summit, New Jersey.

9  
10 /s/ Zachary C. Hansen  
11 Zachary C. Hansen  
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